

Discussion Paper on Academic Freedom
University Faculty Senate – Governance Committee
June 2015

The principles of academic freedom address faculty rights and responsibilities, and are relevant to faculty activities inside and outside the classroom and to faculty members at both public and private institutions. Although a treasured privilege of the academy, academic freedom has limitations in practice. When such freedoms come into question or are contested, explicit statements concerning academic freedom in governance bylaws, employment contracts, and professional rights and responsibilities handbooks provide important protections.

The Governance Committee of the University Faculty Senate (UFS) requests that each institution within its system examine its bylaws, contracts, and handbooks for policies regarding academic freedom and to develop such policies, if they are lacking, or to refine and strengthen existing policies. We hope that this Discussion Paper will contribute to campus dialogue and discussion on issues related to academic freedom by providing resources in the form of definitions and examples based on issues that have confronted campuses in recent years (for a more extensive presentation of case law, please refer to the reference section of this paper).

We also note that these issues and concerns are constantly evolving based on changing circumstances - however, our intention is to motivate serious discussion of these issues. The Committee will continue its inquiry and analysis of issues related to Academic Freedom and report to the Faculty Senate periodically on its deliberations.

What is Academic Freedom?

The American Association of University Professors (AAUP) and the Association of American Colleges and Universities (AAC&U), in their joint 1940 *Statement of Principles on Academic Freedom and Tenure*, state that “Institutions of higher education are conducted for the common good, the common good depends upon the free search for truth and its free exposition,..... and academic freedom is essential to these purposes.” The 1940 Statement then defines the rights and responsibilities associated with academic freedom as follows:¹

- Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an agreement with the authorities of the institution.
- Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- College and university teachers are citizens, members of a learned profession and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

Cary Nelson, past president of the AAUP, further elucidated what ***academic freedom does not mean or guarantee***.² Nelson recognizes that “the freedom to teach and the freedom to learn are inseparable facets of academic freedom.” Therefore, academic freedom does not condone practices where faculty harass, threaten, intimidate, ridicule, or impose their views on students. It also does not protect incompetence or provide job security in the face of incompetence; protect against colleague or student challenges or disagreement with one’s educational philosophy or practices; protect from non-university penalties if the law is broken; protect against disciplinary action if college or university regulations are ignored; protect against sanctions for professional misconduct; protect against sanctions for poor performance in the discharge of one’s duties; or protect against investigations into allegations of scientific misconduct.²

The Middle States Commission on Higher Education recognizes the importance of academic freedom in its accreditation standards. The new standards (adopted in 2014) require the demonstration and assessment of “a commitment to academic freedom, intellectual freedom, freedom of expression, and respect for intellectual property rights” from institutions seeking accreditation.³

Academic Freedom Policy

The following statement on academic freedom appears in the Policies of the Board of Trustees of the State University of New York⁴ (SUNY; the exact same statement appears in the United University Professions (UUP) contract for faculty of state-operated campuses).

Title I. Academic Freedom

§ 1. Academic Freedom. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, teaching and research. In the exercise of this freedom faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, employees have the same freedoms as other citizens. However, in their extra mural utterances employees have an obligation to indicate that they are not institutional spokespersons.

Some campuses have incorporated policies and/or statements concerning academic freedom into governance bylaws or faculty handbooks. For example, the University of Buffalo, in reaffirming the principles of academic freedom, has included this statement to explicitly include intramural expression as essential to academic freedom:⁵

“As members of the academic community, faculty have the right to speak freely within the university on all matters affecting their scholarship and teaching without fear of reprisal either covert or overt.”

Additional resources examining the principles of academic freedom can be found in the reference section of this paper.

Explicit statements concerning academic freedom in governance by-laws and faculty handbooks may provide important protections in situations where academic freedoms may be in question. *The University Faculty Senate (UFS) joins with the Faculty Council of Community Colleges (FCCC) in requesting*

that each institution within the system examine its by-laws, contracts, and handbooks for policies regarding academic freedom.

Academic Freedom – Discussion Prompts

While the basic principles of academic freedom may appear to be fairly straightforward, other principles of academic freedom reflect subtleties in their application and require a campus-wide discussion to clarify their meaning and accurately reflect values and practices on your particular campus. The following examples were constructed to help spur discussions that may shape policies concerning academic freedom on your campus. In order to set a discussion context that encourages debate concerning the meaning of academic freedom, these examples are deliberately vague and there are no definitive answers to them. While we have suggested some basic principles to consider in your campus discussions, your campus may feel that other principles are relevant.

Example 1

A faculty member spends the first half of class talking about a controversial piece that has appeared in the news. Discussion of that piece makes several students uncomfortable. When a student expresses discomfort with the discussion, the faculty member ends the discussion and comments that the students are not capable of understanding the true relevance of the points made. Several students complain to the department chair, who communicates concerns to the faculty member about the way the discussion was handled and its relevance to the course based on the course description.

Principles to consider: Freedom as it applies to choice of classroom materials and the manner in which the material is taught; Protection against colleague or student challenges or disagreement with one's educational philosophy.

Example 2

Your campus has a president who has been making decisions impacting academic programs without consulting the faculty. A campus governance leader speaks out at faculty meetings and criticizes these decisions with great passion and great frequency. Soon after a faculty meeting where a possible vote of no confidence concerning the President is discussed, the faculty member is informed by his dean that his office is being moved and his teaching assignments have been changed.

Principles to consider: Freedom to express one's views without fear of sanction and the right to seek redress when rights have been violated; Freedom to engage in critical discussion.

Example 3

A tenured associate professor in the Chemistry program expresses strong political and religious views in a regular column written for a regional publication; his writings have had a polarizing effect on the campus and in the larger community. He applies for a promotion to full professor, listing his column in his promotion application. When he is denied the promotion, he claims that this denial was due to his political speech.

Principles to consider: Application of academic freedom and the forms of speech to which it is applied.

Example 4

In order to enhance the ability of students to transfer to other campuses within the state university system, faculty across the university have collaborated and written course descriptions and learning

outcomes for foundational courses in a variety of disciplines. A tenured professor has been teaching such a course in political science for many years. His department chair notifies him that his course syllabus does not match the newly developed course description; therefore, students taking his course would not be able to transfer these credits to another campus. The department chair asks the professor to make adjustments to the course content and the syllabus to conform to the course descriptions and learning outcomes required for “seamless transfer.” He refuses to make any changes and the department chair does not allow him to teach the course.

Principles to consider. Academic freedom and its impact on pedagogical philosophy and intellectual commitment; university regulations.

Example 5

In collaboration with a student, a faculty member in the Latin American Studies program designs a survey to be distributed to students on campus. The survey asks students questions about their campus lifestyle, including some personal questions about their sexual orientation and drug use. Because the survey is anonymous, the Human Subjects Committee approves the research. However, a high-ranking administrator feels that the research is inappropriate and stops distribution of the survey.

Principles to consider: Academic freedom and its impact on the right to do research on a topic of choice; the imposition of political, religious, or philosophical beliefs of politicians, administrators and members of the public on students or faculty; the right to challenge one another’s viewpoints; Scientific misconduct and/or violations of university policies.

¹ American Association of University Professors, 1940 Statement on principles of academic freedom and tenure. Available at: <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

² Nelson, Cary. Defining Academic Freedom. Inside Higher Ed, 21 Dec 2010. Available at: https://www.insidehighered.com/views/2010/12/21/nelson_on_academic_freedom

³ Middle States Commission on Higher Education. Standards for accreditation and requirements for affiliation, 13th edition. 2014. Available at: <http://www.msche.org/publications/RevisedStandardsFINAL-2.pdf>

⁴ The State University of New York. *Policies of the Board of Trustees*. 2014. Available at: <http://www.suny.edu/media/suny/content-assets/documents/boardoftrustees/SUNY-BOT-Policies-June2014.pdf>

⁵ University of Buffalo. Statement on academic freedom, 1986. Available at: <http://www.business.buffalo.edu/UbbContent/Hrs/facultyhandbook/V.htm#C>